

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 56-61 and 90-97 are pending in the application, with 56-58, 60, 94 and 96 being the independent claims. Claims 1-55 and 62-89 were previously canceled. Claims 58, 60, 94, and 96 are amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Allowable Subject Matter

Applicants acknowledge with appreciation the Examiner's indication on page 4 that claims 56, 57, 90-94, and 96 contain allowable subject matter.

The Office Action stated that claims 56, 57 and 90-93 would be allowable upon filing a terminal disclaimer to overcome the double patenting rejection (further addressed below). Accordingly, Applicants submit a terminal disclaimer herewith to overcome the double patenting rejection. Thus, Applicants request that claims 56, 57, and 90-93 be passed to allowance.

The Office Action further stated that claims 94 and 96 would be allowable if rewritten in independent form including all the limitations of the base claims and any intervening claims and to overcome the double patenting rejection. Accordingly, claims

94 and 96 have been rewritten in independent form above. Thus, Applicants request that claims 94 and 96 be passed to allowance.

Objections to the Drawings

On page 2, paragraph 2, of the Office Action, the drawings were objected to as being informal. Applicants note that a formal set of drawings were filed in compliance with 37 C.F.R. § 1.21(d) in the present application on July 18, 2002. The USPTO Electronic PAIR website indicates that the formal drawings were received, and contains an electronic copy of the formal drawings. Accordingly, Applicants request that the Examiner withdraw this objection of the drawings.

Rejections under 35 U.S.C. § 102

Claims 58-61, 95 and 97 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent No. 3,641,442 to Boucher (hereinafter Boucher). Applicants respectfully traverse the rejection.

Without acquiescing to the rejection, claim 58, as amended, recites a transmitter comprising an antenna "...wherein the antenna transmits the combined harmonically rich signal." Boucher does not teach an antenna transmitting a combined harmonically rich signal. Therefore, Boucher does not anticipate each and every feature of claim 58. Accordingly, Applicants request that this rejection be reconsidered and withdrawn, and that claim 58 be passed to allowance.

Claims 59 and 95 depend from claim 58 and are therefore patentable for at least the same reasons as claim 58, and further in view of their own features. Accordingly,

Applicants request that this rejection be reconsidered and withdrawn, and that claims 59 and 95 be passed to allowance.

Furthermore, without acquiescing to the rejection, claim 60, as amended, recites a method of "...transmitting the combined harmonically rich signal using an antenna." Boucher does not teach this feature of claim 60. Therefore, Boucher does not anticipate each and every feature of claim 60. Accordingly, Applicants request that this rejection be reconsidered and withdrawn, and that claim 60 be passed to allowance.

Claims 61 and 97 depend directly from claim 60 and are therefore patentable for at least the same reasons as claim 60, and further in view of their own features. Accordingly, Applicants request that this rejection be reconsidered and withdrawn, and that claims 61 and 97 be passed to allowance.

Double Patenting Rejection

Claims 56-61 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of U.S. Patent No. 6,091,940. Applicants hereby submit a terminal disclaimer in compliance with 37 C.F.R. § 1.321(c). Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be

withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read 'J. S. Weaver', is written over a horizontal line.

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